

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY MAURICE WASHINGTON,

Defendant.

Case No. 3:24-cr-00029

**UNITED STATES' RESPONSE TO
DEFENDANT'S MOTION TO
DISMISS AND AFFIDAVIT
(DOCS 109 AND 110)**

The United States of America, by Mac Schneider, United States Attorney for the District of North Dakota, and Dawn M. Deitz, Assistant United States Attorney, files this response in opposition to Defendant's motion to dismiss. Defendant essentially asserts the United States lacks jurisdiction to prosecute him. (Docs. 109 and 110.) Defendant's motion is frivolous and should be denied.

Defendant seeks relief on the basis that he asserts the United States court lacks jurisdiction over him because "there is no personal/subject matter jurisdiction." Defendant is alleged to have committed offenses within the United States, specifically drug trafficking offenses. See, United States v. Hart, 701 F.2d 749, 750 (8th Cir.1983) (per curiam) (characterizing as frivolous an appeal in tax case challenging government's jurisdiction over "sovereign citizen"). Several valid Acts of Congress confer jurisdiction on the District Court over this case. Id. Thus, proper jurisdiction exists for Defendant's prosecution and his arguments fail.

Furthermore, Defendant's jurisdictional arguments falls squarely in line with those asserted under sovereign citizen rhetoric. Sovereign citizen arguments have been

repeatedly and soundly rejected by all courts that consider them, and therefore, require no analysis. See, e.g., United States v. Jonassen, 759 F.3d 653, 657 n.2 (7th Cir. 2014) (providing that sovereign citizen arguments can take many titles, but at their core “assert that the federal government is illegitimate and insist that they are not subject to its jurisdiction. The defense has no conceivable validity in American law.” (quoting United States v. Schneider, 910 F.2d 1569, 1570 (7th Cir. 1990))); United States v. Sileven, 985 F.2d 962, 970 (8th Cir. 1993) (finding similar arguments that defendant was not a federal citizen “plainly frivolous” and noting that further discussion was unnecessary); United States v. Jagim, 978 F.2d 1032, 1036 (8th Cir. 1992) (sovereign citizen arguments “are completely without merit, patently frivolous, and will be rejected without expending any more of this Court's resources on their discussion.”). The Seventh Circuit has held, “the [sovereign citizen] defense has no conceivable validity in American law.” United States v. Schneider, 910 F.2d 1569, 1570 (7th Cir. 1990); accord United States v. Garcia, 684 Fed. Appx. 589, at *1 (8th Cir. 2017) (unpublished per curiam decision) (finding without merit the defendant’s challenge to the district court’s “jurisdiction based on his assertion that he is a ‘private, sovereign, flesh and blood man’”); United States v. Simonson, 563 Fed. Appx. 514 (8th Cir. 2014) (unpublished per curiam decision) (finding frivolous the defendants’ sovereign citizen argument, among others); United States v. Jagim, 978 F.2d 1032, 1036 (8th Cir. 1992) (characterizing the defendant’s sovereign citizen argument, among others, as “completely without merit, patently frivolous, and ... rejected without expending any more of this Court’s resources on their discussion”).

As indicated above, Defendant asserts he is a sovereign citizen. Because there is no such thing as a sovereign citizen, such claims are, of course, frivolous, and this Court should reject the arguments without extended discussion. United States v. Simonson, 563 F. App'x 514 (8th Cir. 2014) (characterizing as frivolous defendants' argument on criminal appeal that district court lacked jurisdiction to convict and sentence defendants because defendants were "special, sovereign citizens" to whom invalid federal statutes did not apply and because only "international jurisdiction" existed); United States v. Hart, 701 F.2d 749, 750 (8th Cir. 1983) (argument that district court lacked jurisdiction over sovereign citizen who filed "common law liens" and "Sheriff's Posse Comitatus Common-law Great Charter"—a writing stating that the federal, state, county, and city governments were acting unconstitutionally—was frivolous); Yisrael-Bey v. O'Toole, No. 4:17-CV-2631, 2018 WL 10425462, at *1 (E.D. Mo. Feb. 5, 2018) (plaintiff's Fourth Amendment false arrest and false imprisonment claims were frivolous when plaintiff claimed that neither state nor federal government had ability to bring criminal charges against her; "Arguments based on the 'sovereign citizen' or 'private citizen' movement cannot establish subject matter jurisdiction in this action under the Fourth Amendment."); Formanack v. Stillwater Towing Inc., No. CV 17-3822, 2018 WL 1512293, at *1 n.1 (D. Minn. Jan. 17, 2018) (citing cases describing sovereign citizen as one who considers himself to be his own sovereign—not a United States citizen—and who believes he is not subject to government authority); Sochia v. Fed.-Republic's Cent. Gov't, No. CIV A SA06CA 1006 XR, 2006 WL 3372509, at *5 (W.D. Tex. Nov. 20, 2006), amended in irrelevant part, No. CIV.A. SA-06-CA-1006, 2006 WL 3435469

(W.D. Tex. Nov. 28, 2006) (“Claims that individuals are not citizens of the United States but are solely citizens of a sovereign state and not subject to federal taxation have been uniformly rejected by the courts.”).

Based upon the foregoing, the United States respectfully requests this Court deny Defendant’s motion to dismiss.

Dated: September 19, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2024, the above-named document was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing.

I further certify that a copy of the foregoing documents will be mailed by first class mail, postage paid, to the following non-ECF participant(s):

Anthony Maurice Washington
Richland County Jail
413 3rd Avenue North
Wapeton, ND 58075

Dated: September 19, 2024

/s/ Vicki Thompson
Vicki Thompson
Office of the United States Attorney